

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL DENTON,

Plaintiff,

v.

KARIE RAINER,

Defendant.

CASE NO. C19-5743 BHS

ORDER

This matter comes before the Court on the parties' cross motions to allow witnesses to testify via Zoom at the upcoming hearing on Plaintiff Michael Denton's motion for a preliminary injunction, Dkts. 183, 185, and the parties' Joint Pre-Hearing Report, Dkt. 193.

In its previous order, the Court ordered Denton to provide a summary of the testimony that he expects will be provided through the four incarcerated individuals. Dkt. 191 at 3. He did not do so. He also added a fifth incarcerated individual to his witness list. *See* Dkt. 193 at 2. Together, the parties list eighteen "anticipated" witnesses for the scheduled two-day hearing.

1 The Court currently has insufficient information to proceed. The parties must
2 **provide a summary of what witnesses are expected to testify about.** To the extent any
3 witnesses have overlapping testimony, the parties must explain whether more than one
4 witness is necessary to provide the duplicative testimony as well as which witness(es) the
5 party would like to prioritize in the event the Court determines the testimony is
6 redundant. This includes, but is not limited to, an explanation of the difference in
7 testimony of the five incarcerated individuals, and an explanation of what information
8 Cheryl Strange can provide that will not be covered by other witnesses. Moreover,
9 Denton must provide to the Court the DOC number of the additional incarcerated
10 witness, James Williams, if he expects him to be available to testify via Zoom. To the
11 extent the parties have a general understanding of the length of each witness's testimony,
12 that information would also benefit the Court.

13 To coordinate a hybrid hearing such as this, particularly one where a number of
14 the witnesses expected to testify are incarcerated, the Court must coordinate with
15 administrative staff as well as the DOC. The Court needs to provide information to DOC
16 about when incarcerated individuals are expected to testify and for how long. Moreover,
17 given the sheer number of witnesses listed, the Court needs to assess whether a two-day
18 hearing will be sufficient and needs to provide notice to administrative staff about when
19 the Court will need to utilize Zoom.

20 The parties also indicated that they are expecting the Court to consider documents
21 that have already been submitted. Any documents that the parties intend the Court to
22

1 consider in its decision should be listed in the amended pre-hearing report and should be
2 offered into evidence at the hearing.

3 The parties are ORDERED to submit an amended joint pre-hearing report
4 containing the above information by Wednesday, February 1, 2023, at 12:00 PM.

5 Dated this 31st day of January, 2023.

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8 BENJAMIN H. SETTLE
9 United States District Judge
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